

### **DETAILED ACTION**

1. This office action is responsive to the preliminary amendment filed on 12/8/05. As directed by the amendment: claims 2-19 have been amended, no claims have been cancelled, and new claims 20 and 21 have been added. Thus, claims 1-21 are presently pending in this application.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: In Lines 1-3, "zea" should be replaced with "a". Appropriate correction is required.

3. Claims 2 and 3 are objected to because of the following informalities: In Line 1, "the base recess" should be replaced with "the recessed base" for consistency. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "said wall" in Line 7. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3781

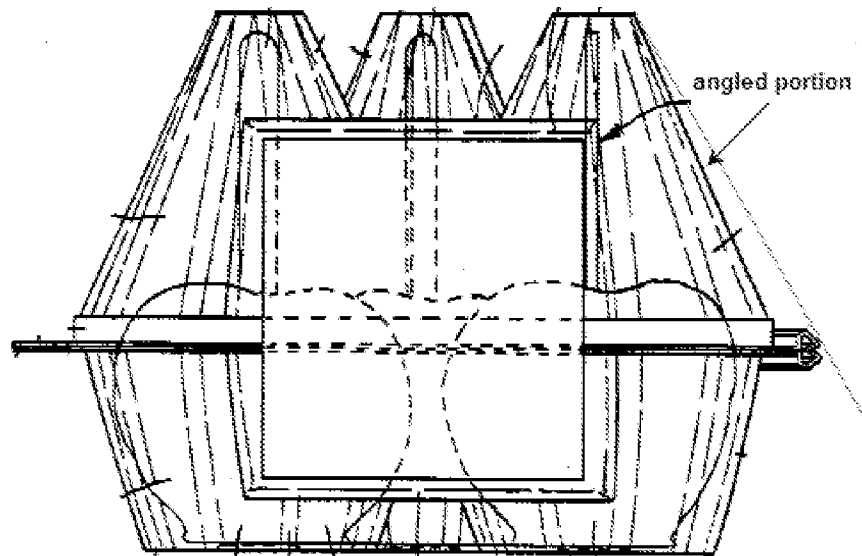
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-7 and 9-21 rejected under 35 U.S.C. 102(b) as being anticipated by Hackenbracht (U.S. Patent No. 5,405,009).

9. Regarding Claim 1, Hackenbracht discloses a container 10 (Figure 1) formed of plastics material (Column 6, Lines 40-41), the container having a recessed base 12 (Figure 1), with side walls 48 (Figure 1) along at least three sides of the recess (Figure 1); a domed lid 14 (Figure 1), the base and the lid being adapted for closure of the container around a joint surface 18 (Figure 1); a hinge 16 (Figure 1) connecting the lid to the base, the hinge being provided at the joint surface and at one side of the container and extending along a straight hinge region spaced out from the intersection of one of the side walls of the recess and the joint surface; the said one side wall having: a portion angled (Figure 1 below) at an acute angle with respect to the joint surface, the said wall portion being generally coplanar with the hinge region (Figure 1), whereby the container can be stood with the wall portion and the hinge on a support surface, with the intersection of the side wall of which it is a portion and joint surface set up from the support surface for collection of fluid from the contents of the container.

**Figure 1 (Hackenbracht)**



10. Regarding Claim 2, Hackenbracht discloses a recessed base which is formed with three sides intersecting the joint surface (Figure 1).
11. Regarding Claim 3, Hackenbracht discloses a recessed base which is formed with four sides intersecting the joint surface (Figure 1).
12. Regarding Claim 5, Hackenbracht discloses a container formed by thermoforming (Column 6, Lines 40-41).
13. Regarding Claim 6, Hackenbracht discloses a joint surface is provided with complementary formations 62 (Figure 6).
14. Regarding Claim 7, Hackenbracht discloses complementary formations which have a top hat shape 62 (Figure 6).
15. Regarding Claim 9, Hackenbracht discloses a hinge 16 (Figure 1) which is provided by an E section double channel, which has at least a straight hinge region (Figure 4).

Art Unit: 3781

16. Regarding Claim 10, Hackenbracht discloses a container 10 (Figure 1) which is shorter along the hinge region than in its dimension transverse to the hinge, whereby when stood on the angled portion of the base side wall, the container is generally stood on end, with the joint surface inclined backwards when the hinge is forwards (Figure 1).

17. Regarding Claim 11, Hackenbracht discloses a container 10 (Figure 1) which has a conventional bottom 86 (Figure 1) to the base recess, aside from the bottom function of the angled portion.

18. Regarding Claim 12, Hackenbracht discloses an angled portion which is parallel to the joint surface (Figure 1 above).

19. Regarding Claim 13, Hackenbracht discloses an angled portion (Figure 1 above) which is arranged to include the joint surface oppositely to when it is stood on end (Figure 1).

20. Regarding Claim 14, Hackenbracht discloses an inclined bottom which is substantially at right angles to the said angled portion (Figure 1).

21. Regarding Claim 15, Hackenbracht discloses a dome of the lid 14 (Figure 1) which is symmetrical in the lid.

22. Regarding Claim 16, Hackenbracht discloses a doming of the domed lid 14 (Figure 1) which is biased away from the hinge (Figure 1).

23. Regarding Claim 17, Hackenbracht discloses a container 10 (Figure 1) which is provided with ears 40/42 (Figure 1) in both of the lid and base material webs.

24. Regarding Claim 18, Hackenbracht discloses ears which have reinforcing formations 38 (Figure 1).

Art Unit: 3781

25. Regarding Claim 19, Hackenbracht discloses a container 10 (Figure 1) which is transparent material (Column 6, Line 24).

26. Regarding Claim 20, Hackenbracht discloses a hinge 16 (Figure 1) which is provided by an E section double channel, which provides a determined hinge axis (Figure 1).

27. Regarding Claim 21, Hackenbracht discloses a container 10 (Figure 1) which is provided with ears 40/42 (Figure 1) where one web is used, remote from the hinge (Figure 1).

***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hackenbracht (U.S. Patent No. 5,405,009) in view of Mattheis et al. (U.S. Patent No. 3,894,655).

30. Regarding Claim 4, Hackenbracht teaches all the limitations substantially as claimed except a container which is made by injection molding. However, Mattheis et al. teaches a container made by injection molding (Column 5, Lines 16-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hackenbracht to include a container made by injection molding, as taught by Mattheis et al., in order to quickly and inexpensively create containers.

Art Unit: 3781

31. Regarding Claim 8, Hackenbracht discloses a hinge 16 (Figure 1) which is a living hinge (Column 5, Lines 45-47).

32. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3781

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./  
Examiner, Art Unit 3781

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Unit 3781